





United States Attorney Southern District of New York

The Silvio J. Mollo Building One Saint Andrew's Plaza New York, New York 10007

February 26, 2021

BY ELECTRONIC MAIL

The Honorable Jed S. Rakoff United States District Court Southern District of New York 500 Pearl Street New York, NY 10007

Re: United States v. James Patterson

S4 20 Cr. 188 (JSR)

Dear Judge Rakoff:

The Government writes regarding an error in the cooperation agreement (the "Original Agreement") to which defendant James Patterson pled guilty on February 19, 2021, in the above-captioned case. The Original Agreement contains the following erroneous forfeiture-related provision: "The defendant consents to the entry of the Consent Order of Forfeiture annexed hereto as Exhibit A and agrees that the Consent Order of Forfeiture shall be final as to the defendant at the time it is ordered by the Court." While the defendant indeed admitted as part of the Original Agreement to "forfeit to the United States . . . a sum of money in United States currency, representing the amount of proceeds traceable to the commission [of Count One of the Information]," there was in fact no consent order of forfeiture attached as an exhibit to the Original Agreement, and thus no agreement between the parties as to any such order.

A revised version of the Agreement (the "Revised Agreement"), in which the erroneous provision is crossed out and initialed by the parties, is attached here as Exhibit 1.¹ The parties understand the Revised Agreement to be the operative agreement between the Government and the defendant. Because the Court appropriately allocated the defendant as to his admission to the forfeiture allegation with respect to Count One of the Information during the plea colloquy on

¹ The parties respectfully request that Exhibit 1 be filed under seal.

Letter to Honorable Jed S. Rakoff February 26, 2021

February 19, 2021, ² the parties agree that no further allocution on the Revised Agreement is required.

Respectfully submitted,

AUDREY STRAUSS United States Attorney

By: /s.

Christopher DiMase / Emily Deininger / Nicholas Folly / Tara La Morte Assistant United States Attorneys (212) 637-2433 / -2472 / -1060 / -1041

cc: Emily Schulman, Esq.

² See February 19, 2021 plea transcript at page 13, lines 23-25 (THE COURT: "As part of this agreement, you've also agreed to a forfeiture; is that correct?" THE DEFENDANT: "Yes, your Honor.").

EXHIBIT 1 (FILED UNDER SEAL)